

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, February 4, 1969  
 Senate called to order by the President.  
 Prayer by Rev. Ondon P. Stairs of Augusta.  
 Reading of the Journal of yesterday.

**Papers From The House  
 Joint Resolution**

(For text of the Joint Resolution, H. P. 420, see House Report of January 30, 1969.)  
 Comes from the House Read and Adopted.  
 Which was Read and Adopted in concurrence.

**Joint Order**

WHEREAS, in peace or war the rhythmic cadence of a spirited marching band inspires an urge to the highest devotion to native land and to the greatest personal sacrifice for love of country; and

WHEREAS, sentiments of pride and patriotism abundantly flowed from the citizens of Maine as the Caribou High School Band played in a grand moment before the President of the United States, Richard M. Nixon, during the inaugural parade; and

WHEREAS, the heart-lifting melody of this talented band, under the able direction of Kenneth Mathews, served to awaken the imagination and spur the patriotic impulses to move men "forward together"; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 104th Maine Legislature extend to the combined membership of the Caribou High School Band, its director and school principal, a message of gratitude for an outstanding accomplishment and wish them continual success in their efforts to bring recognition and honor to our State and Nation; and be it further

ORDERED, that copies of this Joint Order, duly authenticated, be immediately transmitted by the Secretary of the Senate to Mr. Kenneth Mathews and Mr. Freeman Brewer in recognition of the

band's inspiring performance.  
 (H. P. 421)  
 Comes from the House Read and Passed.  
 Which was Read and Passed in concurrence.

**House Papers**

Bills and Resolves today received from the House requiring reference to committees were acted upon in concurrence, with the following exceptions:

Bill, "An Act Increasing Salaries of Members of Harness Racing Commission" (H. P. 351) (L. D. 458)

Comes from the House referred to the Committee on State Government and Ordered Printed.

On motion by Mr. Anderson of Hancock, tabled pending Reference to Committee.

Bill, "An Act relating to the Chairman of the State Apprenticeship Council" (H. P. 352) (L. D. 460).

Comes from the House referred to the Committee on Labor and Ordered Printed.

Referred to the Committee on State Government and Ordered Printed in non-concurrence.

Sent down for concurrence.

**Communications**

STATE OF MAINE  
 OFFICE OF THE GOVERNOR  
 AUGUSTA, MAINE

February 4, 1969

The Honorable Jerrold B. Speers  
 Secretary of the Senate  
 104th Legislature  
 State House  
 Augusta, Maine 04330  
 Dear Mr. Speers:

Today, in accordance with my Constitutional duty, I am submitting a message on Human Resources.

It contains proposals which supplement those in my Budget Message delivered to the 104th Legislature on January 9.

Respectfully,  
 KENNETH M. CURTIS  
 Governor

Which was Read and with accompanying papers Ordered Placed on File.

STATE OF MAINE  
TREASURY DEPARTMENT  
Augusta, Maine

June 30, 1968

To the Honorable Senate and House of Representatives:

Pursuant to the Constitution of the State of Maine, I have the honor to submit herewith the biennial report of the financial transactions of the Treasury Department of the State of Maine for the two years ended June 30, 1968

Most respectfully submitted,  
MICHAEL A. NAPOLITANO  
Treasurer of State  
(S. P. 197)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

**Senate Papers**  
**Appropriations and Financial Affairs**

Mr. Conley of Cumberland presented Bill, "An Act Appropriating Funds for Overtime and Sunday Work and Establishing a Work Day of 7 Hours and a Work Week of 35 hours for State Employees." (S. P. 159) (L. D. 533)

Mr. Hoffses of Knox presented Resolve, Appropriating Moneys for Search of Lost Persons in the Woodlands of the State. (S. P. 160) (L. D. 534)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

**Education**

Mr. Kellam of Cumberland presented Bill, "An Act Relating to the Distribution of School Subsidy." (Emergency) (S. P. 161) (L. D. 535)

Mr. Katz of Kennebec presented Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 162) (L. D. 536)

Which were referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

**Inland Fisheries and Game**

Mr. Hoffses of Knox presented Bill, "An Act Relating to Shooting

Domestic Animals While Hunting." (S. P. 163) (L. D. 538)

The same Senator presented Resolve, Providing Funds for Conservation Education. (Emergency) (S. P. 164) (L. D. 539)

The same Senator presented Bill, "An Act Relating to Use of Cable Traps to Trap Bear." (S. P. 165) (L. D. 537)

Which were referred to the Committee on Inland Fisheries and Game and Ordered Printed.

Sent down for concurrence.

**Judiciary**

Mr. Quinn of Penobscot presented Bill, "An Act Relating to Immunity of Government Employees Under Civil Defense Law." (S. P. 166) (L. D. 540)

Mr. Tanous of Penobscot presented Bill, "An Act Relating to Parole Eligibility Hearing in Life Imprisonment and Other Long Term Cases." (S. P. 167) (L. D. 541)

Mr. Mills of Franklin presented Bill, "An Act to Conform the Statutes to the Rules of Civil Procedure." (S. P. 168) (L. D. 542)

The same Senator presented Bill, "An Act Relating to Eleventh District Court, Northern Androscoggin Division." (S. P. 169) (L. D. 543)

Mr. Tanous of Penobscot presented Bill, "An Act Revising the Laws Relating to the Law Court." (S. P. 170) (L. D. 544)

The same Senator presented Resolve, Proposing an Amendment to the Constitution to Provide for Temporary Assignments of Justices of the Superior Court to the Supreme Judicial Court. (S. P. 171) (L. D. 545)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

**Legal Affairs**

Mr. Gordon of Cumberland presented Bill, "An Act Setting Off Part of Standish to Raymond, Cumberland County." (S. P. 172) (L. D. 575)

The same Senator presented Bill, "An Act Relating to Assessments on Interment Space of

Cemeteries." (S. P. 173) (L. D. 574)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

**Retirements and Pensions**

Mr. Hoffses of Knox presented Bill, "An Act Relating to Retirement Benefits for Institutional Heads, Deputies and Assistants and Correctional Officers and Employees of the Bureau of Corrections under State Retirement System." (S. P. 174) (L. D. 577)

Mr. Boisvert of Androscoggin presented Bill, "An Act Relating to Death Benefits before Retirement Under State Retirement System." (S. P. 175) (L. D. 576)

Which were referred to the Committee on Retirements and Pensions and Ordered Printed.

Sent down for concurrence.

**State Government**

Mr. Logan of York presented Bill, "An Act Amending the Law Relating to Requests for Autopsies." (S. P. 176) (L. D. 581)

The same Senator presented Bill, "An Act to Authorize the Chief Medical Examiner to Approve Certain Expenses." (S. P. 177) (L. D. 579)

Mr. Tanous of Penobscot presented Resolve Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors. (S. P. 178) (L. D. 580)

The same Senator presented Resolve, Proposing an Amendment to the Constitution to Provide for the Election of Officers by the Senate. (S. P. 179) (L. D. 578)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

**Towns and Counties**

Mr. Tanous of Penobscot presented Bill, "An Act Increasing Salaries of Judge of Probate and Register of Probate of Penobscot County." (S. P. 180) (L. D. 584)

Mr. Conley of Cumberland presented Bill, "An Act Increasing

Salaries of County Officials of Cumberland County." (S. P. 181) (L. D. 583)

Mr. Mills of Franklin presented Bill, "An Act Relating to Payments to Franklin County Law Library." (S. P. 182) (L. D. 582)

Which were referred to the Committee on Towns and Counties and Ordered Printed.

Sent down for concurrence.

**Transportation**

Mr. Gordon of Cumberland presented Bill, "An Act Relating to Length of Time for Motor Vehicle Instruction Permits." (S. P. 183) (L. D. 585)

Mr. Tanous of Penobscot presented Bill, "An Act Regulating Snowmobiles." (S. P. 184) (L. D. 586)

The same Senator presented Bill, "An Act to Provide for Registration of Snowmobile Trailer Dealers." (S. P. 185) (L. D. 587)

Which were referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

**Referred from 103rd Legislature**

The President laid before the Senate the following bills which were referred to this Legislature from the 103rd:

Bill, "An Act Providing for Dealings Between Local Education Boards and Associations Representing Teachers." (S. P. 186)

Bill, "An Act Establishing the Municipal Public Employee Labor Relations Law." (Emergency) (S. P. 187)

Resolve, Proposing an Amendment to the Constitution to Provide for Municipal Home Rule. (S. P. 188)

Bill, "An Act to Provide for Qualification, Certification and Examination of Tax Assessors." (S. P. 189)

Bill, "An Act Relating to Retirement Benefits of State Employees at Correctional and Mental Institutions and Liquor Inspectors." (S. P. 190)

Bill, "An Act Creating the Uniform Deceptive Trade Practices Act." (S. P. 191)

Bill, "An Act Creating the Uniform Preservation of Private Business Records Act." (S. P. 192)

Bill, "An Act Establishing Social Security Benefits for State Classified Service Employees." (S. P. 193)

Bill, "An Act Creating the Uniform Federal Tax Lien Registration Act." (S. P. 194)

Bill, "An Act Relating to Creation of Professional Service Corporations." (S. P. 195)

Bill, "An Act Relating to Intoxication in Liquor Licensed Premises." (S. P. 196)

On motion by Mr. Berry of Cumberland, these Bills and Resolve were Indefinitely Postponed.

Sent down for concurrence.

### ORDERS

On motion by Mr. Hoffses of Knox

ORDERED, the House concurring that the Legislative Finance Officer be authorized to approve the expenses of his office and accounts for payment. (S. P. 198)

Which was Read.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

### Committee Reports House

#### Ought Not to Pass

The Committee on Claims on Resolve, to Reimburse Mrs. Harry H. Smart of Kennebunkport for Well Damage by Highway Reconstruction. (H. P. 138) (L. D. 160)

Reported that the same Ought Not To Pass.

Comes from the House the report Read and Accepted.

The Committee on Claims on Resolve, to Reimburse Russell S. Leonard of Wells for Injuries Sustained in Automobile Accident with Deer. (H. P. 161) (L. D. 200)

Reported that the same Ought Not To Pass.

Comes from the House the report Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### Recommitted

The Committee on State Government on Bill, "An Act to Permit

a Teacher to be a Selectman or a City Council Member." (H. P. 124) (L. D. 140)

Reported that the same Ought Not to Pass.

Comes from the House recommitted to the Committee on State Government.

Which was recommitted to the Committee on State Government in concurrence.

#### Ought to Pass

The Committee on Towns and Counties on Bill, "An Act Providing Public Dump for Albany Township and Milton Township, Oxford County." (H. P. 50) (L. D. 51)

Reported that the Same Ought to Pass.

Comes from the House the report Read and Accepted and the Bill Passed To Be Engrossed.

The Committee on Judiciary on Bill, "An Act Relating to Duty of Receiver of Unsolicited Merchandise." (H. P. 144) (L. D. 170)

Reported that the same Ought To Pass.

Comes from the House the report Read and Accepted and the Bill Passed To Be Engrossed.

The Committee on State Government on Bill, "An Act Designating Landlocked Salmon as the State of Maine Fish." (H. P. 150) (L. D. 176)

Reported that the same Ought to Pass.

Comes from the House the report Read and Accepted and the Bill Passed To Be Engrossed.

The Committee on State Government on Resolve, Authorizing Forest Commissioner to Exchange Land in West Forks, Somerset County. (H. P. 99) (L. D. 107)

Reported the same Ought to Pass.

Comes from the House the report Read and Accepted and the Resolve Passed To Be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills and Resolve Read Once and tomorrow assigned for Second Reading.

### Senate

#### Ought to Pass

Mr. Cianchette for the Committee on Retirements and Pensions on Bill, "An Act Relating to Injury

or Incapacity of State Police Officer." (S. P. 58) (L. D. 166)

Reported that the same Ought to Pass.

Mr. Duquette for the Committee on Retirements and Pensions on Bill, "An Act Relating to the Executive Secretary and Procedure of Actuarial Computations Under State Retirement System." (S. P. 59) (L. D. 167)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and tomorrow assigned for Second Reading.

**Second Readers**

The Committee on Bills in the Second Reading reported the following:

**House**

Bill, "An Act Changing Name of Western M Art Group to Western Maine Art Group." (H. P. 38) (L. D. 39)

Bill, "An Act Relating to Southern Maine Comprehensive Health Association, Inc." (H. P. 40) (L. D. 41)

Which were Read a Second Time and Passed To Be Engrossed in concurrence.

**Senate**

Bill, "An Act Increasing Borrowing Capacity of Ashland Water and Sewer District." (S. P. 31) (L. D. 89)

Resolve, to Reimburse Charles A. Holden of Portland as Agent of Conservator of Casco Mercantile Trust Company. (S. P. 38) (L. D. 121)

Bill, "An Act Relating to Motor Vehicle Excise Tax Credits." (S. P. 46) (L. D. 149)

Bill, "An Act Relating to Sales and Use Tax on Property Registered for Use in Maine." (S. P. 47) (L. D. 150)

Which were Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence.

**Senate - As Amended**

Bill, "An Act Relating to Notice of Suspension or Revocation of Motor Vehicle Operators' License." (S. P. 57) (L. D. 165)

Which was Read a Second Time.

The PRESIDENT: Is it the pleasure of the Senate that this bill be passed to be engrossed and sent down for concurrence?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and members of the Senate: I think that something has been called to my attention only recently this morning to indicate that perhaps this measure should be halted in its forward progress at this point to get a little further consideration. I would, however, like to explain to the Senators something about the bill and what the committee did to it. It is one of those department bills.

With all due respect to my good friend, the distinguished Senator from Cumberland, Senator Berry, this is a department measure, and it was intended, when it came into the committee, to make it a little easier to make out cases against people who have had their licenses suspended in court, and the committee perhaps reversed the feeling of the department and did something the opposite, and that is why we are pausing a little bit this morning, because the department would rather not have the bill at all than have it in the fashion the Judiciary Committee thought perhaps they ought to have it.

I will explain it to you. It is a brief bill; only a three-line bill. It is L. D. No. 165, in which the proposal to the Committee was that the certificate of the Secretary of State, or any person authorized by him, that notice had been mailed, that is, notice of revocation of a license or suspension of a license, notice that it had been mailed in accordance with the section shall be prima facie evidence of the notice under this section. In other words, just the fact that it had been mailed by a clerk in the Secretary of State's office would be taken in the courts as prima facie evidence that a person knew his license had been suspended. So, we changed it around a little bit and said that the affidavit of the Secretary of State, in other words, the oath of

the Secretary of State, that the notice had been received by the person would be prima facie evidence. Boy, the department didn't like that at all.

We figured that, in the interest of the citizens of the State being charged with a criminal offense, someone ought to be able to prove that they had received notice that they had lost their license. So, this wasn't exactly the department's bill when it came out of the committee, as you can see and, just within the last few minutes it has been called to my attention that the department doesn't want this bill, and I am going to give them a chance to kill it, if they can. But I am going to ask the Senators to vote for it when the time comes and we will debate it perhaps a little bit. In the meantime perhaps someone would do me the favor of putting it on the table and holding it up a little.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I move that L. D. 165, An Act Relating to Notice of Suspension or Revocation of Motor Vehicle Operators' License, be laid on the table unassigned.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Legislative Document 165 be placed upon the table. Is this the pleasure of the Senate?

The motion prevailed and the Bill was tabled, pending Passage to be Engrossed.

#### Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following Bill:

Bill, "An Act Relating to Closed Season on Wild Hares in Lincoln County." (H. P. 17) (L. D. 20)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate the following tabled and specially assigned matter, Bill,

"An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court." (S. P. 155) (L. D. 532)

Tabled—January 30, 1969 by Senator Mills of Franklin.

Pending—Reference.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I was advised subsequent to the tabling that it was satisfactory with the Chairman of the Reference of Bills Committee that this be referred to the Committee on Judiciary, and I so move.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that this bill be referred to the Committee on Judiciary and sent down for concurrence. Is this the pleasure of the Senate?

The motion prevailed and the Bill was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

On motion by Mr. Levine of Kennebec, the Senate voted to take from the table the first tabled and unassigned matter, Bill, "An Act Relating to Distribution of Axle Load on Commercial Vehicles." (S. P. 84) (L. D. 531)

Tabled—January 22, 1969 by Senator Levine of Kennebec.

Pending—Reference.

The same Senator moved the pending question.

Thereupon, the Bill was referred to the Committee on Highways and Ordered Printed.

Sent down for concurrence.

(Senate at Ease)

Called to order by the President.

Out of order and under suspension of the rules, the President laid before the Senate the following paper from the House:

Bill, An Act Providing for a Council-Manager Charter for the Town of Winslow. (Emergency) (H. P. 5) (L. D. 5)

This Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be



Enacted, and having been signed by the President was by the Secretary presented to the Governor for his Approval.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.

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(Off Record Remarks)